

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 14-CR-197

LOUIS RODRIGUEZ-RAMIREZ,

Defendant.

**ORDER GRANTING DEFENDANT’S REQUEST FOR
EVIDENTIARY HEARING ON MOTION TO SUPPRESS**

On December 2, 2014, a grand jury sitting in the Eastern District of Wisconsin returned a twelve-count superseding indictment against nine defendants. (Docket # 72.) Louis Rodriguez-Ramirez (“Rodriguez-Ramirez”) is charged in Count Two of the superseding indictment with conspiracy to possess with intent to distribute and distribution of heroin and cocaine, in violation of 21 U.S.C. §§ 841(b)(1)(C) and 846 and 18 U.S.C. § 2. Rodriguez-Ramirez is charged in Count Six with distribution of heroin, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C), and 18 U.S.C. § 2.

Rodriguez-Ramirez has filed a motion to suppress, arguing that the police’s warrantless stop of his vehicle was not supported by reasonable suspicion or probable cause. (Docket # 117 at 1.) As part of this motion, Rodriguez-Ramirez seeks an evidentiary hearing to develop the facts surrounding the officers’ stop of his vehicle. On May 14, 2015, I denied Rodriguez-Ramirez’s request for an evidentiary hearing because he failed to show that there were disputed issues of material fact that would affect the outcome of the motion. (Docket # 120.) Rodriguez-Ramirez was granted leave to resubmit his request for an evidentiary hearing. (*Id.*)

Rodriguez-Ramirez has resubmitted his request for an evidentiary hearing. (Docket # 122.) In his renewed request, Rodriguez-Ramirez states that he would testify that he was parked two to three inches from the curb (*id.* at 3), in contrast to the police officer's report which states that he was parked more than 12 inches from the curb (Docket # 119-1 at 1). Because the government argues that the officer's observation of Rodriguez-Ramirez's vehicle parked more than 12 inches from the curb, in violation of Wis. Stat. § 346.54(1)(d), gave him probable cause to stop the vehicle (Docket # 119 at 7), there is a disputed issue of material fact that affects the outcome of the motion. As such, Rodriguez-Ramirez's request for an evidentiary hearing is granted.

IT IS THEREFORE ORDERED that Rodriguez-Ramirez's request for an evidentiary hearing is **GRANTED**. The clerk's office will contact the parties to schedule the evidentiary hearing.

Dated at Milwaukee, Wisconsin this 1st day of June, 2015.

BY THE COURT

s/Nancy Joseph
NANCY JOSEPH
United States Magistrate Judge